IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 12TH JULY 2006 / 21ST ASHADHA,1928

Bail Appl..No. 4134 of 2006

AGAINST THE ORDER DATED 28/6/2006 IN CMP 2145/2006 IN CP.34/2006 of JUDL.MAG.OF FIRST CLASS-I,MANJERi (CRIME NO.134/2005 OF KALIKAVU POLICE STATION)

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PETITIONER/ACCUSED

MOHMMED SHAFEEQUE, S/O. IBRAHIM,
MUNDDAYANKAVIL HOUSE, MALIYEKKAL,
VELLAYUR AMSOM, KOORAD P.O.
NILAMBUR TALUK.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA , REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KALIKAVU POLICE STATION,
MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4134/2006

DATED THIS THE 12TH DAY OF JULY, 2006

O R D E R

An unfortunate incident of abduction of a thirteen years old girl, by the fourth accused and others, led the Kalikavu Police Station authorities to register crime No.134/2005 of that police station, under Section 366A read with Section 34 IPC. The petitioner had approached this Court under Section 438 Cr.P.C. But it was disallowed. However, the petitioner surrendered before the Judicial Magistrate of First Class-I, Manjeri, on 28.6.2006. He remains in judicial custody. Hence this application under Section 439 Cr.P.C.

2. The counsel submits that the investigation is complete and the final report is filed against the fourth accused. Therefore, it is submitted that the custody of the petitioner is not required.

3. No steps had been taken by the Investigating Officer, either to get the custody of the petitioner to question him. In such situation, I do not think the continued judicial detention of the petitioner is required any further. Therefore, I grant bail and release the

petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.20,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Manjeri.

(b). The petitioner shall report before the investigating officer, once in a week on every Monday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 17.7.2006.

(c). The petitioner shall not leave the State of Kerala, till the final trial and disposal of the case.

(d). The petitioner shall not threaten the victim or the witnesses of the case, or cause any hindrance to the smooth conduct of the prosecution case.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs